

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ASHLEY POPA,

Plaintiff,

v.

PSP GROUP LLC, et al.,

Defendants.

CASE NO. C23-0294JLR

ORDER

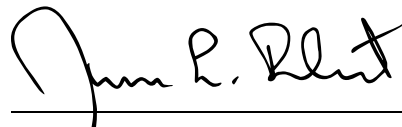
Before the court is Plaintiff Ashley Popa's notice of election to stand on her first amended complaint and request for entry of a final order in this case. (Notice (Dkt. # 69).) On October 24, 2023, the court granted Defendant PSP Group, LLC's ("PSP") motion to dismiss. (10/24/23 Order (Dkt. # 67).) The court concluded that Ms. Popa had not demonstrated that she has Article III standing to pursue her claims in this case because she failed to plausibly allege that she suffered a cognizable injury-in-fact. (*Id.* at 5-13.) Thus, the court dismissed Ms. Popa's claims without prejudice for lack of subject matter jurisdiction. (*Id.* at 13 (citing *Missouri ex rel. Koster v. Harris*, 847 F.3d 646, 656

1 (9th Cir. 2017) (“In general, dismissal for lack of subject matter jurisdiction is without  
2 prejudice.”)). The court granted Ms. Popa leave to amend, however, based on its  
3 conclusion that it was possible that Ms. Popa might be able to cure the deficiencies in her  
4 complaint. (*Id.*)

5 Ms. Popa did not amend her complaint. (*See generally* Dkt.) Instead, she  
6 contends that the allegations in her first amended complaint demonstrate that she has  
7 standing under Article III. (Notice at 2.) She asks, therefore, that the court enter a final  
8 appealable order dismissing this case so that she may file an appeal. (*Id.* (quoting *WMX*  
9 *Techs., Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc) (“[A] plaintiff, who  
10 has been given leave to amend, may not file a notice of appeal simply because he does  
11 not choose to file an amended complaint. A further district court determination must be  
12 obtained.”))).)

13 The court ORDERS Defendants PSP and Microsoft Corporation to SHOW  
14 CAUSE, by no later than **December 1, 2023**, why the court should not issue a final order  
15 and judgment of dismissal in accordance with Ms. Popa’s request. Defendants’ responses  
16 shall be limited to 1,000 words in length. No replies shall be filed unless requested by  
17 the court.

18 Dated this 27th day of November, 2023.

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21 JAMES L. ROBART  
22 United States District Judge